

Amendments to House Bill No. 581
1st Reading Copy

Requested by Representative Brian Hoven

For the House Taxation Committee

Prepared by Megan Moore
March 23, 2013 (12:26pm)

1. Title, page 1, line 13.

Strike: "15-6-224,"

2. Title, page 1, line 16.

Following: "15-31-162,"

Insert: "15-32-104, 15-32-105, 15-32-106,"

3. Title, page 1, line 19.

Strike: "75-25-101,"

Following: "87-2-102,"

Insert: "AND"

Strike: "90-4-602," through "90-4-1005,"

4. Title, page 1, line 22.

Strike: "15-30-2319,"

5. Title, page 1, line 27.

Strike: "15-32-102,"

Strike: "15-32-104" through "15-32-106,"

Strike: "15-32-109,"

6. Title, page 1, line 28.

Strike: "15-32-201," through "15-32-203,"

7. Page 8, line 4 through page 9, line 2.

Strike: section 9 in its entirety

Renumber: subsequent sections

8. Page 42, line 14.

Following: line 13

Insert: "Section 33. Section 15-32-104, MCA, is amended to read:

"15-32-104. **Limitations on deduction and credit.** Tax treatment under ~~15-32-103~~ and 15-32-109 is limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development."

{ Internal References to 15-32-104:

15-32-109x }"

Insert: "Section 34. Section 15-32-105, MCA, is amended to read:

"15-32-105. **Application to new construction -- rules.** (1)

It is the intent of the legislature that no ~~deduction or~~ credit under this part be allowed for capital investment for an energy conservation practice in the new construction of a building if that capital investment would have been made under established standards of new construction. The department of revenue shall adopt rules to implement this legislative intent. Such rules shall be based on the best currently available methods of analysis, including those of the national bureau of standards, the department of housing and urban development, and other federal agencies and professional societies and materials developed by the department. Provisions shall be made for an annual updating of rules and standards as required.

(2) The department may adopt rules to define standard components of conventional buildings and to establish other necessary elements of the definition of passive solar system consistent with the intent of 15-32-102."

{ Internal References to 15-32-105: None. }

"Section 35. Section 15-32-106, MCA, is amended to read:

"15-32-106. Procedure for obtaining benefit of ~~deduction or credit~~. The department of revenue shall provide forms on which a taxpayer may apply for a tax credit under 15-32-109. The department of revenue shall approve a ~~deduction or~~ credit under ~~15-32-103 or~~ 15-32-109 that demonstrably promotes energy conservation or uses a recognized nonfossil form of energy generation. The department of revenue may refer a deduction or credit involving energy generation to the department of environmental quality for its advice, and the department of environmental quality shall respond within 60 days. The department of revenue may refer a deduction or credit involving energy conservation to the department of labor and industry for its advice, and the department of labor and industry shall respond within 60 days. The department of revenue may deny a ~~deduction or~~ credit that it finds to be impractical or ineffective."

{ Internal References to 15-32-106:

15-32-103r }

Renumber: subsequent sections

9. Page 76, line 2 through line 24.

Strike: section 59 in its entirety

Renumber: subsequent sections

10. Page 81, line 2 through page 82, line 16.

Strike: section 62 through section 63 in their entirety

Renumber: subsequent sections

11. Page 83, line 6.

Strike: line 6

12. Page 84, line 22.

Strike: line 22

13. Page 84, line 24 through line 26.

Strike: line 24 through line 26

14. Page 84, line 29.

Strike: line 29

15. Page 85, line 1 through line 3.

Strike: line 1 through line 3

16. Page 89, line 12.

Strike: "27," through "29"

Insert: "26, 27, and 28"

- END -

Explanation - This amendment restores the credit for energy-conserving expenditures and the credit for installing an alternative energy system.